

217015

RSPA-02-13658-24



Council on Radionuclides and Radiopharmaceuticals, Inc.

3911 Campolindo Drive
Moraga, CA 94556-1551
(925) 283-1850
Fax: (925) 283-1850
E-mail: corar@silcon.com

Henry H. Kramer, Ph.D., FACNP
Executive Director

January 28, 2003

Dockets Management System
U.S. Department of Transportation
Room PL 401
400 Seventh Street, SW
Washington, DC 20590-0001

RE: Docket Number RSPA-2002-13658 (HM-215E)

DEPT. OF TRANSPORTATION
DOCKETS
03 JAN 30 AM 10:10

Gentlemen:

These comments concern the notice of proposed rulemaking HM-215(E) regarding Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions (67 FR 72034, Dec 3, 2002). These comments are submitted on behalf of the Council on Radionuclides and Radiopharmaceuticals (CORAR). CORAR members include manufacturers and shippers of diagnostic and therapeutic radiopharmaceuticals, life science research radiochemicals and sealed sources used in therapy, diagnostic imaging and calibration of instrumentation used in medical applications. CORAR understands and supports the effort to achieve uniform regulation of the transport of hazardous materials, and appreciates the transitional provisions that provide the flexibility necessary for domestic compliance during the transitional period. These comments concern proposed changes that are not part of the incorporation by reference materials.

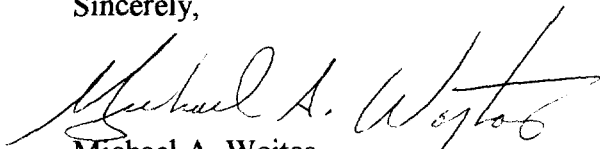
This rulemaking proposes to amend 49 CFR 172.202(a)(5) by changing the requirement for stating the total quantity of hazardous material on shipping papers from "total quantity (by net or gross mass, capacity, or as otherwise appropriate), including the unit measurement..." to "total quantity (by volume or mass, as appropriate)." Removal of the words "as...otherwise" implies that shippers can no longer use other more relevant units of radioactivity to account for the quantity of radioactive materials in a consignment.

We are concerned that this proposal will have a negative impact on the safety of shipments containing radioactive materials. Historically, quantities of Class 7 materials have been included on shipping papers in the units of measure of radioactivity. Since the units of radioactivity are far more meaningful to the recipients of these shipments and to those who may have to respond to incidents

involving these materials, limiting the expression of quantity to units of mass or volume for radioactive materials would result in confusion and misunderstanding of the nature of the contents of the shipment. For example, a few mL or grams of radioactive material may contain a large quantity of radioactivity whereas another description may contain the same quantity in terms of mass or volume, but contain such a small quantity of radioactivity that it is excepted from most of the regulatory requirements. Therefore, reporting the quantity in the units of volume or mass would not be indicative of the quantity of radioactivity involved or the potential hazard.

CORAR appreciates the intent of the proposed rule and the opportunity to express these comments. Please contact us if there should be any questions or if any additional information is needed concerning these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Wojtas". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael A. Wojtas
Chairman, Transportation Subcommittee
Council on Radionuclides and Radiopharmaceuticals